

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

MARY S. PHILLIPS,

No. 03:10-CV-6367-AC

Plaintiff,

ORDER

v.

MICHAEL J. ASTRUE, Commissioner,  
Social Security Administration,

Defendant.

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Attorneys for Defendant

HERNANDEZ, District Judge:

Magistrate Judge Acosta issued a Findings and Recommendation (#13) on February 2, 2012, in which he recommends that this Court affirm the Commissioner's decision to deny Disability Insurance Benefits ("DIB") and Supplemental Security Income ("SSI") to Plaintiff. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff timely filed objections to the Magistrate Judge's Findings and Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

Plaintiff raises the following objections that were previously raised before Magistrate Judge Acosta: (1) the ALJ failed to acknowledge Plaintiff's PTSD as "severe" at step two of the disability analysis; (2) the ALJ did not give specific reasons for rejecting Plaintiff's PTSD diagnosis by Dr. Rose, and (3) the ALJ did not properly develop the record regarding Plaintiff's mental impairments.

I have carefully considered Plaintiff's objections and conclude that they do not provide a basis to modify the recommendation that the Commissioner's decision be affirmed. I have also

reviewed the pertinent portions of the record *de novo* and find no error in the Magistrate Judge's Findings and Recommendation.

Magistrate Judge Acosta correctly concluded that the ALJ did not err in failing to address Plaintiff's PTSD diagnosis because there were no additional functional limitations from the PTSD. Similarly, Magistrate Judge Acosta did not err in his assessment of Dr. Rose's opinion because it was inconsistent with the findings of two other examining physicians. Finally, Magistrate Judge Acosta properly concluded that there was no need to further develop the record because the record was sufficiently developed and had no ambiguity.

#### CONCLUSION

The Court adopts Magistrate Judge Acosta's Findings and Recommendation (#13). Accordingly, the Commissioner's final decision is affirmed.

IT IS SO ORDERED.

DATED this 11th day of April, 2012.

s/Marco A. Hernandez  
MARCO A. HERNANDEZ  
United States District Judge